

Remarks

Claims 1-8 and 12-20 were pending in this application. By this Amendment, claim 12 is canceled without prejudice to prosecution in another application. Claims 1, 6, 13 and 18 are amended in response to the Office action. Claims 5, 7, 17 and 19 are amended to correct minor typographical errors. Support for these amendments can be found throughout the specification, including at least in the claims as originally filed.

No new matter is introduced by the foregoing amendments. After entry of this Amendment, **claims 1-8 and 13-20 are pending in this application**. Consideration and allowance of the pending claims is requested.

Election/Restrictions

The Office alleges that claim 12 is directed to polypeptides, an invention that is distinct from the actually or constructively elected invention. The Office deems claim 12 withdrawn. By this Amendment, claim 12 is canceled as drawn to non-elected subject matter, without prejudice.

Rejection under 35 U.S.C. § 112, second paragraph

Applicants thank the Examiner for withdrawing the rejections under 35 U.S.C. § 112, second paragraph.

Rejection under 35 U.S.C. § 112, first paragraph (enablement)

Claims 1-8 and 13-20 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. The Office alleges that the specification is not enabling “for a plant transformation vector comprising any sequence that is complementary to a sequence that encodes the HIO30 polypeptide that is at least 95% identical to the amino acid sequence of SEQ ID NO: 2, and wherein the transgenic plant has a high oil phenotype” (Office action, page 3). Applicants traverse this rejection. However, in order to advance prosecution in this case, independent claims 1, 6, 13 and 18 are amended to delete the phrase “or is complementary to a sequence that encodes”. Thus, Applicants request that this rejection be withdrawn.

Applicants thank the Examiner for acknowledging that the specification is enabling for a transgenic plant comprising a plant transformation vector that encodes the HIO30 polypeptide comprising the amino acid sequence of SEQ ID NO: 2 or an amino acid sequence 95% identical thereto. Therefore, particularly after entry of the above amendments, claims 1-8 and 13-20 are enabled.

Conclusion

Based on the foregoing amendments and arguments, the pending claims are in condition for allowance, and notification to that effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Michael D. Hammer/
Michael D. Hammer, Ph.D.
Registration No. 59,258